

Owner:	Human Resources
Version number:	[3]
Date of approval:	23 October 2020
Approved by:	Audit, Risk & Governance Committee
Effective date:	24 October 2020
Date of last review:	23 October 2020
Due for review:	October 2021

“Whistleblowing” (Disclosure in the Public Interest) Policy and Procedures

1. INTRODUCTION

1.1 Bournemouth University is committed to ensuring it conducts its operations in accordance with the law and good practice, as set out in University regulations and procedures. It is therefore important that any serious breaches are reported, investigated and addressed. It is also important that any individual raising such a concern is confident that the matter will be properly dealt with and that he or she will be supported and not suffer any reprisals. Individuals are therefore encouraged to raise serious concerns in accordance with this policy and to be assured that the University welcomes such communication and is committed to addressing any shortcomings.

2. OBJECTIVES

2.1 The purpose of this Policy is to provide a framework for concerns in the public interest to be raised within Bournemouth University and provide a means of addressing such concerns properly, fairly and promptly. It also provides guidance to individuals as to the correct procedure to use when reporting a concern.

3. WHAT IS “WHISTLEBLOWING”?

3.1 “Whistleblowing” is the commonly used term describing the action of a person connected to an organisation (usually an employee) who reports a concern about serious malpractice within that organisation. In the context of this procedure and the relevant legislation, it refers to reporting concerns that are **in the public interest** and that fall within one of the categories set out in 5.1 below.

4. WHO CAN USE THIS PROCEDURE?

4.1 This procedure is for staff and students and can be used by anyone working for the University, whether employed or not, and so casual workers, self-employed contractors, visitors and agency personnel may also use this.

5. WHAT TYPE OF CONCERN SHOULD BE RAISED UNDER THIS PROCEDURE?

- 5.1 This procedure should be used for disclosures regarding concerns that one or more of the following events has happened or is likely to happen:
- that a criminal offence has been committed, is being committed, or is likely to be committed;
 - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - that the health and safety of any individual has been, is being or is likely to be endangered;
 - that the environment has been, is being or is likely to be damaged;
 - that information tending to show any matter falling within any one of the preceding points has been, is being or is likely to be deliberately concealed.

6. WHAT LEGISLATION COVERS “WHISTLEBLOWING” AND WHAT DOES THIS SAY?

- 6.1 The relevant legislation is *The Public Interest Disclosure Act 1998* (as amended), which provides protection for “whistleblowers” who report concerns relating to events that fall within 5.1 above, provided they have a reasonable belief it is in the public interest and report in accordance with the disclosure procedure in 8 – 10 below. Any such disclosures will be a “qualifying disclosure” for the purposes of the legislation. The “whistleblower” must not suffer detriment and such protection means that the employer, or other individual employees, must not victimise or harass someone who makes a qualifying disclosure. However, should that happen, a worker or employee may take the employer to an Employment Tribunal. If a fellow worker or employee victimises a colleague who has reported a concern, that individual can be found personally liable and BU will address such action in accordance with the disciplinary procedure.
- 6.2 The legislation recognises that in some circumstances it may be appropriate to report concerns to an external body, such as a regulator, without following the University’s internal disclosure procedure. However, any such disclosure must comply with additional requirements in order to be a “qualifying disclosure” and provide the complainant with protection under the legislation. Advice from an independent whistleblowing body, such as the charity Protect, should therefore be sought before making any such disclosure.
- 6.3 The legislation does not cover anyone who is not an employee or worker of the organisation, however BU is committed to supporting other genuine

“whistleblowers” covered by this policy e.g. to protect students from harassment and by expecting Employment Agencies and Contractors employing on-site staff to offer their employees protection as required by the law.

7. RAISING A CONCERN THAT DOES NOT FULFIL THE DEFINITION OF A “PUBLIC INTEREST DISCLOSURE”

7.1 The University encourages everyone to raise concerns and there are sources of help and formal procedures to assist. Members of staff are encouraged to discuss the matter with their line manager in the first instance and students should discuss concerns with their tutor, askBU or the SUBU Advice Centre. If the matter is not resolved, an appropriate procedure should be used, depending on the nature of the concern. The policies and procedures named below can be found on the University’s website and student portal.

7.2 Anyone with a concern relating to health, safety or wellbeing may contact a member of the Health, Safety and Wellbeing team, whose names, responsibilities and contact details are on the BU intranet at:
<https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/aboutus/>

Students should visit the Health & Wellbeing pages at

<https://www.bournemouth.ac.uk/students/health-wellbeing?srclnk=123home>

7.3 Anyone with a concern relating to the environment may contact a member of BU’s Sustainability team of staff dedicated to environmental and energy management and contact details can be found at:
<https://www1.bournemouth.ac.uk/about/sustainability>

7.4 Members of staff (including “casual workers”) should use an appropriate procedure, for example the Grievance Procedure (for most complaints, including any relating to terms and conditions of employment). Other relevant policies include, Dignity and Respect (Harassment Policy), 6M – Research Misconduct Policy and Procedure, The Protection of Vulnerable People Policy, The Fraud Policy and Procedures, the Anti-Bribery Policy and Procedures and the Anti-Slavery and Human Trafficking Policy and Procedures. For advice on raising a concern, email hrenquiries@bournemouth.ac.uk; staff members may also wish to contact a union representative.

7.5 Students should try to resolve any concerns at the point at which it arises. If this is not possible or appropriate, the Student Complaints Procedure should be followed. This can be accessed on the student portal at

<https://www.bournemouth.ac.uk/students/help-advice/important-information>.

For serious concerns that constitute a disclosure in the public interest, the following procedure should be used.

8. REPORTING A CONCERN IN THE PUBLIC INTEREST - THE PROCEDURE

8.1 Reporting a Concern

Everyone covered by this policy has a right to raise concerns about malpractice or behaviour and these should be reported immediately they are known, either verbally or in writing. The following stages provide a hierarchy of contacts and the concern should be raised at the lowest appropriate level, however, should the matter not be dealt with at that level; there is recourse to higher authority within the University.

8.2 First stage – for staff, contractors, visitors and agency staff

If a member of staff becomes aware that any of the events listed under 5 above has occurred, or is likely to occur, he or she should normally contact his or her line manager in the first instance, unless there is good reason to escalate to the second stage. An example of such a reason is that the line manager is the subject of the concern being reported. Contractors, visitors and agency staff should contact the manager of the University department to which they are assigned.

If the matter cannot be promptly addressed to the satisfaction of the complainant, or is deemed to be sufficiently serious by the line manager or manager of the department, it should be referred to the second stage.

8.3 First stage – for students

The Student Complaints Procedure is the appropriate means of addressing all student concerns, other than those with a public interest as listed under 5 above. However, if a student becomes aware that any of these events has occurred, or is likely to occur, he or she should contact his or her tutor, askBU or the SUBU Advice Centre.

If the matter cannot be promptly addressed to the satisfaction of the complainant, or is deemed to be sufficiently serious by the tutor, askBU or the SUBU Advice Centre, it should be referred to the second stage.

8.4 **Second stage – all complainants**

Should the complainant have good reason to believe it is not appropriate to contact the relevant person under the first stage, or the matter has not been resolved at this stage, serious concerns should be reported via the Office of the Vice-Chancellor to: the Chief Operating Officer (COO) with respect to any non-financial issue or the Finance Director in relation to financial malpractice or fraud. If it is not appropriate to contact either the COO or Finance Director, then the matter can be reported to another member of UET, i.e. the Deputy Vice Chancellor or the Vice Chancellor.

8.5 **Third Stage - all complainants**

Should the complainant have good reason to believe it is not appropriate to contact any member of UET, then he or she should refer the matter to the Chair of the Audit, Risk and Governance Committee (via the Clerk to the University Board) or under circumstances such that it is inappropriate to contact this Committee, to the Chair of the University Board (via the Clerk to the University Board).

9. **RESPONSE TO A CONCERN**

- 9.1 Concerns raised at the second or third stages or those that are not satisfactorily addressed at the first stage will be formally investigated by an investigator or investigators appointed by the member of UET, Committee or Board, to whom the complaint was made. The investigator(s) will conduct a thorough and prompt investigation and make a written report, with recommendations, to the commissioning member of UET, Committee or Board. The complainant will be advised of the progress and the outcome of the investigation (unless his/her identity is unknown). Appropriate action will be taken to address any shortcomings discovered as a result.

If the matter is not resolved to the complainant's satisfaction, he or she may take the matter to a higher level, as set out above.

10. **EXTERNAL REPORTING**

- 10.1 If a complaint has been investigated and a report has been considered by the Board of Bournemouth University, but the complainant has a reasonable belief that the matter remains unresolved, the legislation specifies proper authorities to which a complainant may make a qualifying disclosure. These include:

- The Health and Safety Executive
- HM Revenue and Customs

- The Environment Agency
- The Serious Fraud Office

A full list of prescribed persons and bodies can be accessed on the government website www.GOV.uk and the relevant page is: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183340/11-641-blowing-the-whistle-to-a-prescribed-person.pdf

- 10.2 In certain circumstances, a complainant may make a disclosure to an external body without following the University's internal disclosure procedure. However, as stated in 6.2 above, advice should be obtained from an independent whistleblowing authority before making any such disclosure to ensure that it will be a qualifying disclosure.

11. CONFIDENTIALITY

- 11.1 Any investigation will be conducted such that the matter is kept confidential to those with a legitimate and necessary reason to be informed.
- 11.2 The complainant may request that their identity is not disclosed and whilst this will be respected, it may not be possible to provide complete anonymity under all circumstances (e.g. if evidence is required at a disciplinary or court hearing). Such circumstances will be discussed with the complainant at the earliest opportunity.

12. ANONYMOUS COMPLAINTS

- 12.1 Anonymous allegations will be assessed to discover whether there is any substance to the complaint and whether it is possible to substantiate the allegations. If complaints are made anonymously it makes the allegations harder to investigate because it is not possible to ask follow-up questions and also obtaining evidence to substantiate the allegation can be difficult. In addition, it will not be possible to communicate with the complainant to inform them of any action taken. It is, therefore, preferable for a complainant to put their name to any disclosure made.

13. MISUSE OF PROCEDURE

- 13.1 Any complaints that are found to be malicious or vexatious will be dealt with in accordance with the relevant procedure (e.g. for staff this will be the disciplinary procedure).

14. SUPPORT FOR COMPLAINANTS AND FURTHER INFORMATION

- 14.1 The Charity Protect <https://protect-advice.org.uk/> provides help and advice in relation to whistleblowing to individuals and organisations.

The government website GOV.UK has information at:
<http://www.gov.uk/whistleblowing>

Union representatives (trade unions and the students' union) provide support for members wishing to raise a complaint or grievance.

The Employee Assistance Programme has a confidential Freephone whistleblowing line which staff can access to seek confidential help and advice (24 hours/365 days) Telephone 0800 1116 390 or email helpline.wellness@right.com

A range of support is available for students. Please see <https://www.bournemouth.ac.uk/students/health-wellbeing> for further details.

The faith and reflection department provides support for staff (as well as students) and further details can be found at <https://www.bournemouth.ac.uk/students/health-wellbeing/faith-reflection>

15. REVIEW AND MONITORING

- 15.1 This policy and procedure will be reviewed and may from time to time be amended in line with legislation and best practice.
- 15.2 Complaints will be monitored by the Audit, Risk and Governance Committee so that appropriate action can be taken, as necessary.